IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 2961 of 1987

For Approval and Signature:

HONOURABLE MR.JUSTICE P.B.MAJMUDAR

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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SOMA OMKAR
Versus
DY. COMMISSIONER OF POLICE AND OTHERS

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Appearance :
MS ROMA FIDELIS with MR YN OZA for the Petitioner
MS FALGUNI PATEL, AGP for the Respondents

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CORAM : HONOURABLE MR.JUSTICE P.B.MAJMUDAR

Date : 06/11/2006

ORAL JUDGMENT

By filing this petition, the petitioner has challenged the order passed by respondent No.1 by which the petitioner was compulsorily

retired from service. The said order was confirmed in revision. During the pendency of the Special Civil Application, a Civil Application was filed being Civil Application No.705 of 1995 wherein a learned Single Judge of this Court directed the department to work out the benefits available to the petitioner as per the impugned order and the department was directed to pay the same within a period of three weeks from the date of receipt of writ.

However, at the time of hearing of the matter on the last date, learned advocate for the petitioner pointed out that the direction given in the said Civil Application is not complied with and no amount is paid to the petitioner as the petitioner was entitled to certain retiral benefits even in spite of the penalty order passed by the department. This Court has thereafter passed an order on 13.10.2006 directing the department to pay whatever amount the petitioner is entitled towards pension and retiral dues as per the order passed in Civil Application No.705 of 1995.

Today, when the matter is called out the Court is informed that the petitioner has been paid the amount towards pension as well as gratuity by which the petitioner's pension is fixed at Rs.398. Ms Falguni Patel, learned Assistant Government Pleader submitted that the amount in question is paid on the basis of unrevised pension and the pension is revised since 1996 and the difference of amount in view of such revision of pay will be paid to the petitioner within one month from today. It is stated that she is making this statement on the basis of the instructions received by her from one V.V. Nagwadia, Deputy Director (Accounts). The said officer has also informed the Court that the difference of amount in view of the revision in pension will be paid to the petitioner within one month from today and the petitioner is not required to undergo any further procedure of making application, etc as necessary

particulars are already supplied by the petitioner at the time of applying for pension. It is also submitted that the petitioner will be paid revised pension regularly.

In view of the aforesaid statements, Ms Fidelis, learned advocate for the petitioner states under the instructions of his client, who, according to her, is present before the Court that the petitioner would like to withdraw the petition. Permission is granted. Petition stands disposed of as withdrawn. Rule is discharged.

The department is directed to pay the difference of pension amount as indicated hereinabove to the petitioner within one month from today without any further delay. The petitioner shall be paid the revised pension regularly.

(P.B.MAJMUDAR, J.)

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